

### **REMARKS**

Claims 14-15, 17-19, 23, 25-27, 30, and 32-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kirani et al (U.S. Publication No. 2002/0032027A1) in view of Davis et al. (U.S. Publication No. 2002/0001395A1). In response, Applicants amended the claims as discussed below, and respectfully traverse the rejection based on these amendments.

In claims 14, 23 and 30, the phrase of “according to the presence of processing and the type of processing designated by the request” has been replaced with the new phrase of “the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request” based on the description on pages 27 and 28 in Applicants’ Specification.

In claim 15, the phrase of “a designated finishing process, according to the presence of processing and the type of processing designated by the request” has been replaced with the new phrase of “a finishing process designated by an image finishing designation included in the request” based on the description on page 26, lines 20-26 in Applicants’ Specification.

Claims 17, 25 and 32 have been amended to replace “a program” with “an external program” and “an internal program” and replace the phrase of “a predetermined format” with “a new format limiting an understanding of information on the internal data by executing an internal program managing the internal data” based on the description on page 43, line 7 – page 44, line 3 in Applicants’ Specification.

Independent claims 14, 23 and 30 recite, among other things, the feature of “adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the incoming melody data giving notification, by music, of

incoming data when the data is received, the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request”. Regarding this feature, the Office Action relies upon Davis. However, Davis merely discloses the features of embedding metadata such as audio, video and image in a media signal (see paragraphs [0002-0005]) and processing the metadata embedded in the media signal (see paragraphs [0090-0091]). The features of Davis differ from the feature of “adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request.”

Therefore, the combination of Kirani and Davis do not disclose or suggest the above-mentioned feature of the independent claims 14, 23 and 30. Claim 15 depends from the independent claim 13 and so at least similarly distinguishes over the asserted combination of references.

Independent claims 17, 25 and 32 recite, among other things, the feature of “converting the internal data to a new format limiting an understanding of information on the internal data by executing an internal program managing the internal data ... in accordance with a request from the external program executed by the processing unit”. Regarding this feature, the Office Action mainly relies upon paragraph [0034] and paragraph [0159] of Davis.

In paragraph [0034], Davis discloses that “the image formatter includes an analog to digital converter to convert signals from the sensor elements to digital from”, “a color space converter to map the signal into a desired color space, such as RGB or YUV”, and “the formatter transforms the image signal into a form suitable for further processing and storage and stores it in the camera’s memory subsystem.”

In paragraph [0159], Davis discloses that persistent steganographic links to metadata ensure the persistence of an image's metadata through various operations, including file conversion, file transmission, image compression and image editing. These features of Davis differ from the above-mentioned feature of claims 17, 25 and 32 as now amended.

Therefore, the combination of Kirani and Davis do not disclose or suggest the above-mentioned feature of the independent claims 17, 25 and 32. Claims 18-19, 26-27 and 33-34 depend from the independent claim 17, 25 or 32, respectively, and so at least similarly distinguish over the asserted combination of references.


For all the above reasons, withdrawal of the §103(a) rejection of claims 14-15, 17-19, 23, 25-27, 30, and 32-34 is respectfully requested.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge any additional fees which may be required to this Application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,  
GREER, BURNS & CRAIN, LTD.

**Customer No. 24978**  
November 25, 2008  
300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

By:   
Joseph P. Fox  
Registration No. 41,760

P:\DOCS\3169\70231\DP7262.DOC